

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Cirpus et al.

Application No.: 10/511621

Conf. No.: 6556

Filed: October 19, 2004

Art Unit: Not Yet Assigned

For: **METHOD FOR PRODUCING MULTIPLE  
UNSATURATED FATTY ACIDS IN PLANTS**

Examiner: Not Yet Assigned

**REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT OR IN  
THE ALTERNATIVE, PETITION TO REVIVE**

MS PCT Legal Affairs  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

01 FC:2453 1500.00 DA 10511621  
SBASHEIR 00000005 032775

Sir:

Applicants respectfully request that the pending status of the above-identified application (hereinafter "the application") be reinstated, or in the alternative that the application be revived, and forwarded to the Examiner for Examination. On May 11, 2006, Applicants received a copy of a Notice of Abandonment which had been mailed by the U. S. Patent and Trademark Office to Morrison & Foerster on May 8, 2006 and forwarded to us. The Notice of Abandonment stated that a Notice to File Missing Parts was mailed on May 31, 2005 and that the application went abandoned for failure to timely file a proper reply to the Notice (Exhibit A). However, Applicants have never received the Notice to File Missing Parts. This is the first time Applicants have been made aware that a Notice of Missing Parts had been sent by the U. S. Patent and Trademark Office.

Morrison & Foerster filed a Request for Withdrawal as Attorney or Agent on February 23, 2005 (Exhibit B). Over three months after the Request for Withdrawal, a Notice of Missing Parts was presumably sent by the U.S. Patent Office as stated on the Notice of Abandonment to Morrison & Foerster.<sup>1</sup> However, because the Patent Office misdirected the Notice of Abandonment (Exhibit A) to the previous law firm in charge of the application, Morrison & Foerster, because the Notice of Missing Parts was not included with the Notice of Abandonment,

<sup>1</sup> We assumed that the Notice to File Missing Parts was sent to Morrison & Foerster because the Notice of Abandonment was sent to them (Exhibit A). We therefore contacted Lynn Lacyk at Morrison & Foerster following receipt of the Notice of Abandonment. Ms. Lacyk responded on May 18, 2006 stating that their docket system and mail logs were checked and that they have no record of receiving the Notice to File Missing Parts.

and because Morrison & Foerster have no record of ever receiving the Notice to File Missing Parts, Applicants cannot ascertain where or even whether the Notice of Missing Parts was ever sent by the U.S. Patent Office.<sup>2</sup>

Furthermore, Applicants filed with the U. S. Patent and Trademark Office a new Power of Attorney for the application on May 31, 2005 (Exhibit C). The new Power of Attorney was received by the Patent Office on June 3, 2005 as evidenced by the stamped return postcard (Exhibit D). Applicants have additionally made several submissions since that time: an Information Disclosure Statement and a copy of the International Search Report were sent on June 13, 2005; a copy of the English translation of the International Preliminary Examination Report was sent on July 14, 2005; and because Applicants had not received anything from the U.S. Patent and Trademark Office, a Status Inquiry was filed on April 19, 2006 (Exhibit E). Applicants have never received a Notice of Acceptance of Power of Attorney or Notice Regarding Change of Power of Attorney. Because the U.S. Patent Office misdirected the Notice of Abandonment mailed May 8, 2006 to Morrison & Foerster, the U.S. Patent Office appears to not have processed the change of Power of Attorney filed almost one year ago. Moreover, Applicants attempted numerous times and are still unable to access the file wrapper of the application either through private or public PAIR, even after the submission of the change of Power of Attorney in May 2005 (Exhibit C). Had the U.S. Patent and Trademark Office timely processed the change of Power of Attorney, which to the best of our knowledge has still not been processed, Applicants would have been able to access the file wrapper through PAIR resulting in Applicants being aware of the Notice to File Missing parts prior to receiving the Notice of Abandonment and a timely reply would have been filed.

In summary, the lack of processing of the change of Power of Attorney by the Patent Office, no record of receipt of the Notice to File Missing Parts by the previous law firm, and the misdirection of the Notice of Abandonment (Exhibit A) in this application by the Patent Office, has caused the application to now become abandoned. Again, the Applicants respectfully request that the pending status of the application be reinstated, or in the alternative, the application be revived because the total delay of the application up until the abandonment was unintentional. Again, it is clear from the record, especially in view of the filings of the Request for Withdrawal as Attorney or Agent filed February 23, 2005 (Exhibit B), the new Power of

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<sup>2</sup> The Notice of Abandonment that the Applicants received which had been forwarded by Morrison & Foerster did not include a copy of the Notice of Missing Parts, only a Raw Sequence Listing Error Report was attached.

Attorney filed May 31, 2005 (Exhibits C and D), and the other filings including the Status Inquiry filed April 19, 2006 (Exhibit E), that the Applicants did not intend for this application to be abandoned.

Furthermore, because the Notice of Abandonment included a Raw Sequence Listing Error Report, Applicants are submitting a reply to the Raw Sequence Listing Error Report with this Request. However, because Applicants have never received the Notice to File Missing Parts, Applicants are unable to ascertain whether the attached reply fully responds to the Notice to File Missing Parts.<sup>3</sup>

The Notice of Abandonment states that a petition to withdraw the holding of abandonment should be directed to OIPE. However, Applicants have been informed by OIPE and the PCT help desk that because this application is a National stage application under 35 U.S.C. § 371, this request should be sent to PCT Legal Affairs. Accordingly, Applicants are submitting this request to the PCT Legal Affairs office for review.

Because of the Patent Office's untimely processing of the change of Power of Attorney, the inability of verifying where or whether the Notice of Missing Parts was ever mailed, the lack of a record of the Notice being received by the previous law firm, where the Patent Office mailed the Notice of Abandonment in error, no fee is believed due. If there is any fee required with this paper, including the fee necessary for a petition to revive because the application was unintentionally permitted to become abandoned, the applicants respectfully request the Commissioner to charge our Deposit Account No. 03-2775, under Order No. 12810-00043-US from which the undersigned is authorized to draw.

A prompt and favorable action is earnestly solicited.

Respectfully submitted,

By   
Roberte M. D. Makowski

Registration No.: 55,421

CONNOLLY BOVE LODGE & HUTZ LLP

Correspondence Customer Number: 23416

1007 North Orange Street, P.O. Box 2207

Wilmington, Delaware 19899

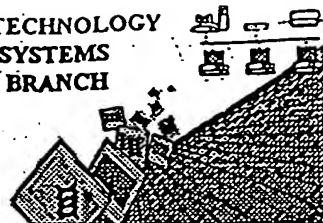
(302) 888-6410 (Tel), (302) 658-5614 (Fax)

Attorney for Applicants

464575

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<sup>3</sup> The Notice to File Missing Parts was not included with the Notice of Abandonment forwarded to Applicants by Morrison & Foerster and is not accessible through public or private PAIR.



## RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 10/511,621  
Source: PST  
Date Processed by STIC: 10-26-04

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.2 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

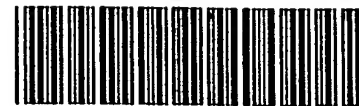
Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 06/05/04):  
U.S. Patent and Trademark Office, 220 20<sup>th</sup> Street S., Customer Window, Mail Stop Sequence, Crystal Plaza Two, Lobby, Room 1B03, Arlington, VA 22202

Revised 05/17/04



PCT

## RAW SEQUENCE LISTING

PATENT APPLICATION: US/10/511,621

DATE: 10/26/2004

TIME: 17:46:22

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5 <120> TITLE OF INVENTION: Method for Producing Multiple Unsaturated  
6 Fatty Acids in Plants  
8 <130> FILE REFERENCE: 2002/271  
C--> 10 <140> CURRENT APPLICATION NUMBER: US/10/511,621  
C--> 11 <141> CURRENT FILING DATE: 2004-10-19  
E--> 13 <160> NUMBER OF SEQ ID NOS: 64  
15 <170> SOFTWARE: PatentIn Vers. 2.0

*Found 53*

## ERRORED SEQUENCES

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Corrected Diskette Needed  
*(pg. 1-7)*

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257

see page 1 for error explanation.

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pls insert

↑ Mandatory, if <213> response

is artificial / Unknown

please explain source of  
genetic material in section

<220> - <223>, pls see  
error explanation on page 4

↑

The type of errors shown exist throughout  
the Sequence Listing. Please check subsequent  
sequences for similar errors.

RAW SEQUENCE LISTING ERROR SUMMARY  
PATENT APPLICATION: US/10/511,621DATE: 10/26/2004  
TIME: 17:46:24

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RAW SEQUENCE LISTING ERROR SUMMARY  
PATENT APPLICATION: US/10/511,621

DATE: 10/26/2004  
TIME: 17:46:24

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Output Set: N:\CRF4\10262004\J511621.raw

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Seq#:44,45,47,48,49

## VERIFICATION SUMMARY

PATENT APPLICATION: US/10/511,621

DATE: 10/26/2004

TIME: 17:46:24

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/511,621		Petra Cirpus	53262-20092.00

CONFIRMATION NO. 6556

ABANDONMENT/TERMINATION  
LETTER

25227  
 MORRISON & FOERSTER LLP  
 1650 TYSONS BOULEVARD  
 SUITE 300  
 MCLEAN, VA 22102

Date Mailed: 05/08/2006

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/31/2005.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item (s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-

identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

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*A copy of this notice **MUST** be returned with the reply.*

---

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382

PART 2 - COPY TO BE RETURNED WITH RESPONSE

RECEIVED  
FEB 24 2005  
MORRISON & FOERSTER LLP

**RECEIVED IN THE U.S. PATENT AND TRADEMARK OFFICE**

Atty Docket No.: 532622009200

Inventor: Petra CIRPUS et al.

Application  
Serial No.: 10/511,621

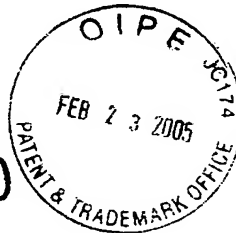
Filing Date: October 19, 2004

Title: METHODS FOR PRODUCING MULTIPLE UNSATURATED FATTY  
ACIDS IN PLANTS

**Documents Filed:**

Request for Withdrawal (triplicate)

**DOCKETED**



ATTY/Secy: WCJ1/ct

Date filed: February 23, 2005

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT</b>	Application Number	10/511,621
	Filing Date	October 19, 2004
	First Named Inventor	Petra CIRPUS
	Art Unit	Not yet assigned
	Examiner Name	Not yet assigned
	Attorney Docket Number	532622009200

Commissioner for Patents  
To: P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby apply to withdraw as attorney or agent for the above identified patent application.

The reasons for this request are:

**Application is being transferred to another attorney.**

This request is being made at the request of the assignee, **BASF Plant Science GmbH**

- ☐ The correspondence address is NOT affected by this withdrawal.
- ☐ Change the correspondence address and direct all future correspondence to:

**CORRESPONDENCE ADDRESS**

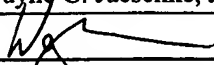
☐ Customer Number  →

OR

<input checked="" type="checkbox"/> Firm or Individual Name	James Remenick (Powell Goldstein LLP)				
Address	901 New York Avenue, NW Third Floor				
City	Washington	State	DC	Zip	20001-4413
Country	USA				
Telephone	(202)347-0066		Fax	(202) 624-7222	

- ☒ This request is made on behalf of myself and
- ☐ all the attorneys/agents of record,
- ☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or
- ☒ the attorneys/agents associated with Customer Number

This request is enclosed in triplicate (including any attachments).

Name	Wayne C. Jaeschke, Jr. Registration No. 38,503
Signature	
Date	February 23, 2005

*NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.*

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: February 23, 2005

Signature: 

(Chimin Taylor)

Application No. (if known): 10/511621

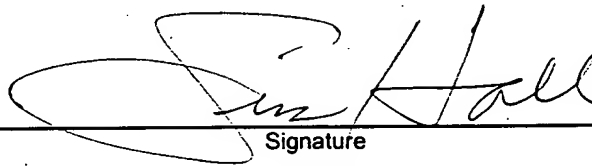
Attorney Docket No.: 12810-00043-US

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on May 31, 2005  
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Tina Hall

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Transmittal of Power of Attorney (1 page)  
Power of Attorney (1 page)  
Statement Under 37 CFR 3.73 (b) (1 page)  
Copy of Assignment w/cover sheet (3 pages)  
Postcard

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Cirpus et al.

Application No.: 10/511621

Conf. No.: Not Yet Assigned

Filed: October 19, 2004

Art Unit: Not Yet Assigned

For: METHOD FOR PRODUCING MULTIPLE  
UNSATURATED FATTY ACIDS IN PLANTS

Examiner: Not Yet Assigned

**TRANSMITTAL OF POWER OF ATTORNEY**

Dear Sir:

Applicants enclose herewith the executed Power Of Attorney To Prosecute Applications Before the USPTO with change of correspondence address and Statement Under 37 CFR § 3.73(b) in the above-referenced application. Because a Notice of Recordation has not yet been received, the Reel and Frame number have not been completed in the Statement Under 37 CFR § 3.73(b). However, a copy of the original assignment and cover sheet submitted with the filing of the National Stage of the above-referenced application on October 19, 2004 is enclosed.

Applicants believe no fee is due. However, if a fee is due, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 12810-00043-US, from which the undersigned is authorized to draw.

Respectfully submitted,

By Roberte M. D. Makowski  
Roberte M. D. Makowski

Registration No.: 55,421  
CONNOLLY BOVE LODGE & HUTZ LLP  
1007 North Orange Street  
P.O. Box 2207  
Wilmington, Delaware 19899  
(302) 658-9141  
(302) 658-5614 (Fax)  
Attorney for Applicants



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Cirpus et al.

Application No./Patent No.: 10/511,621 Filed/Issue Date: October 19, 2004

Entitled: METHOD FOR PRODUCING MULTIPLE UNSATURATED FATTY ACIDS IN PLANTS

BASF Plant Science GmbH, a Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.  
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.  
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Roberte M.D. Makowski  
Signature

May 31, 2005  
Date

Roberte M.D. Makowski, Ph.D.  
Printed or Typed Name

302 658 9141  
Telephone Number

Attorney - Reg. No. 55,421  
Title

# POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☒ Practitioners associated with the Customer Number: 23416

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☒ The address associated with Customer Number: 23416

OR

☐ Firm or Individual Name

Address

City

Country

State

Telephone

Zip

Fax


Assignee Name and Address:

BASF Plant Science GmbH  
67056 Ludwigshafen  
GERMANY

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

## SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	April 12, 2005
Name	Dr. B. Bieberbach i.V. Prodr.		
Title			

388181

- Director - - Authorized Officer -

Form PTO-1595 (Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002)	<b>RECORDATION FORM COVER SHEET</b> <b>PATENTS ONLY</b>	U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office
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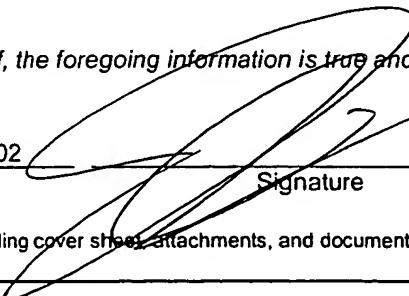
To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof

<b>1. Name of conveying party(ies):</b> Petra CIRPUS, Andreas RENZ, Jens LERCHL, and Anne-Marie KUIJPERS  Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>2. Name and address of receiving party(ies)</b>  Name: <u>BASF Plant Science GmbH</u> Street Address: <u>67056 Ludwigshafen</u> <u>GERMANY</u>  Additional name(s) & address(es) attached: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>3. Nature of Conveyance:</b> <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____  Execution Date: <u>May 8, 2003</u>	

<b>4. Application number(s) or patent number(s):</b> If this document is being filed together with a new application, the execution date of the new application is: <u>May 8, 2003</u> A. Patent Application No.(s): _____ B. Patent No.(s): _____  Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
--	--

<b>5. Name and address of party to whom correspondence concerning document should be mailed:</b>  Name: <u>James Remenick</u> <u>MORRISON &amp; FOERSTER LLP</u>  Street Address: <u>1650 Tysons Blvd., Suite 300</u>  City: <u>McLean</u> State: <u>VA</u> Zip: <u>22102</u>	<b>6. Total number of applications and patents involved:</b> <u>1</u>  <b>7. Total fee (37 CFR 3.41)</b> \$ <u>40.00</u> <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account <input type="checkbox"/> Authorized to be charged to credit card (Form 2038 enclosed)  <b>8. Deposit account number:</b> <u>03-1952</u> (Attach duplicate copy of this page if paying by deposit account)
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<b>9. Statement and signature.</b>  <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i>  <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 30%;"> <u>James Remenick, Reg. No. 36,902</u>            Name of Person Signing         </div> <div style="width: 30%; text-align: center;">             Signature         </div> <div style="width: 30%; text-align: right;"> <u>October 19, 2004</u>            Date         </div> </div> <div style="text-align: center; margin-top: 10px;">           Total number of pages including cover sheet, attachments, and documents: <u>3</u> </div>		
--	--	--

## Assignment of Application

0093000064

WHEREAS, I (WE)

*Petra Cirpus, Landteilst.12, 68163 Mannheim, Germany*

*Citizen of Germany*

*Andreas Renz, Heinrich-von-Kleist-Str.6, 67117 Limburgerhof, Germany*

*Citizen of Germany*

*Jens Lerchl, Onsjövägen 17, 26831 Svalöv, Sweden*

*Citizen of Germany*

*Anne-Marie Kuijpers, Pappelstr. 31, 67166 Otterstadt, Germany*

*Citizen of Netherlands*

respectively, have invented certain new and useful improvements in

### METHOD FOR THE PRODUCTION OF POLYUNSATURATED FATTY ACIDS IN PLANTS

for which an application for Letters Patent was executed on

(Application No.

, filed

), and

WHEREAS, *BASF Plant Science GmbH* (hereinafter referred to as "ASSIGNEE"), having a place of business at *67056 Ludwigshafen, Germany*, is desirous of acquiring the entire right, title and interest in and to said invention and in and to any Letters Patent that may be granted therefore in the United States and its territorial possessions and in any and all foreign countries;

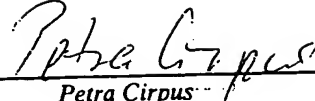
NOW, THEREFORE, in consideration of the sum of Five Dollars (\$5.00), the receipt whereof is hereby acknowledged, and for other good and valuable consideration, I (WE), by these presents do sell, assign and transfer unto said ASSIGNEE, the full and exclusive right to the said invention in the United States and its territorial possessions and in all foreign countries and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor in the United States and its territorial possessions and in any and all foreign countries and in and to any and all divisions, reissues, continuations, substitutions and renewals thereof.


I (WE) hereby authorize and request the Patent Office Officials in the United States and its territorial possessions and any and all foreign countries to issue any and all of said Letters Patent, when granted, to said ASSIGNEE as the assignee of my (our) entire right, title and interest in and to the same, for the sole use and behoof of said ASSIGNEE, its (his) successors and assigns, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held by me (us) had this Assignment and sale not been made.


FURTHER, I (WE) agree that I (WE) will communicate to said ASSIGNEE, or its (his) representatives any facts known to me (us) respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, substitute, renewal and reissue applications, execute all necessary assignment papers to cause any and all of said Letter Patent to be issued to said ASSIGNEE, make all rightful oaths, and, generally do everything possible to aid said ASSIGNEE, its (his) successors and assigns, to obtain and enforce proper protection for said invention in the United States and its territorial possessions and in any and all foreign countries.


The undersigned hereby grant(s) the firm of **MORRISON & FOERSTER LLP**, 1650 TYSONS BOULEVARD, SUITE 300, McLEAN, VIRGINIA 22102-3915, the power to insert on this assignment any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

0093000064

Date: 08. Mai 2003 Signature of Inventor:   
Petra Cirpus

Date: 08. Mai 2003 Signature of Inventor:   
Andreas Renz

Date: 08. Mai 2003 Signature of Inventor:   
Jens Lerchl

Date: 08. Mai 2003 Signature of Inventor:   
Anne-Marie Kuipers

**Inventor:** Cirpus et al.

**Atty Docket No.:** 12810-00043-US

**Application No.:** 10/511621

**Filing Date:** October 19, 2004

**Title:** METHOD FOR PRODUCING MULTIPLE UNSATURATED FATTY ACIDS IN PLANTS

**Documents Filed:**

Statement Under 37 CFR 3.73(b) (1 page)

Transmittal of Power of Attorney (1 page)

Power of Attorney (1 page)

Certificate of Mailing (1 page)

Copy of Assignment and cover sheet (3 pages)

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**Date:** May 31, 2005





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### FAX TRANSMISSION

DATE: April 19, 2006

PTO IDENTIFIER: Application Number 10/511,621

Patent Number

Inventor: Petra CIRPLIS et al.

MESSAGE TO: U.S. Patent & Trademark Office

FAX NUMBER: 571-273-8300

FROM: CONNOLLY BOVE LODGE & HUTZ LLP

Roberte Makowski

PHONE: (302) 658-6410

Attorney Dkt #: 12810-00043-US

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1007 North Orange Street, P.O. Box 2207, Wilmington, Delaware 19899  
Telephone: (302) 658-9141 Facsimile: (302) 658-5614

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DATE: April 19, 2006

PTO IDENTIFIER: Application Number 10/511,621

Patent Number

Inventor: Petra CIRPUS et al.

MESSAGE TO: U.S. Patent &amp; Trademark Office

FAX NUMBER: 571-273-8300

FROM: CONNOLLY BOVE LODGE &amp; HUTZ LLP

Roberte Makowski

PHONE: (302) 888-6410

Attorney Dkt. #: 12810-00043-US

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Telephone: (302) 658-9141 Facsimile: (302) 658-5614



# FAX TRANSMISSION

**DATE:** April 19, 2006

**PTO IDENTIFIER:** Application Number 10/511,621  
Patent Number

**Inventor:** Petra CIRPUS et al.

**MESSAGE TO:** U.S. Patent & Trademark Office

**FAX NUMBER:** 571-273-8300

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Roberte Makowski

**PHONE:** (302) 888-6410

**Attorney Dkt. #:** 12810-00043-US

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**CONNOLLY BOVE LODGE & HUTZ LLP**  
1007 North Orange Street, P.O. Box 2207, Wilmington, Delaware 19899  
Telephone: (302) 658-9141 Facsimile: (302) 658-5614

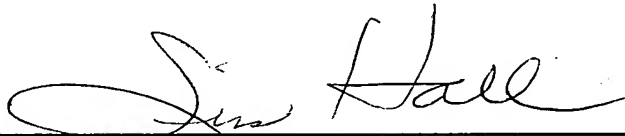
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Attorney Docket No.: 12810-00043-US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Cirpus et al.

Application No.: 10/511621

Conf. No.: Not Yet Assigned

Filed: October 19, 2004

Art Unit: Not Yet Assigned

For: METHOD FOR PRODUCING MULTIPLE  
UNSATURATED FATTY ACIDS IN PLANTS

Examiner: Not Yet Assigned

STATUS INQUIRY


Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

It is respectfully requested that the attorney named below be advised of the status of the above-identified application. A change of Power of Attorney was filed on May 31, 2005. Please advise us of when we might expect to receive a Notice of Change of Power of Attorney, an Official Filing Receipt, a Notice of Acceptance, a first Office Action from the Patent and Trademark Office, and when we might be able to access this application through Private Pair.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00043-US, from which the undersigned is authorized to draw.

Respectfully submitted,

By 

Roberte M. D. Makowski

Registration No.: 55,421

CONNOLLY BOVE LODGE & HUTZ LLP

Correspondence Customer Number: 23416

1007 North Orange Street, P.O. Box 2207

Wilmington, Delaware 19899

(302) 888-6410

(302) 658-5614 (Fax)

Attorney for Applicants